

FACSIMILE TRANSMITTAL FORM		Application Number	09/837714
		Filing Date	April 18, 2001
		First Named Inventor	Japuntich, Daniel A.
		Art Unit	3743
		Examiner Name	Aaron J. Lewis
Fax: 703-872-9306		Attorney Docket Number	48317US032
Total Number of Pages in This Submission: 23			
Date: April 7, 2005	Attorney for Applicant: Karl G. Hanson		

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Patent
Case No.: 48317US032

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: JAPUNTICH, DANIEL A.

Application No.: 09/837714 Group Art Unit: 3743

Filed: April 18, 2001 Examiner: Aaron J. Lewis

Title: METHOD OF MAKING A FILTERING FACE MASK THAT HAS AN EXHALATION VALVE

INFORMATION DISCLOSURE STATEMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

April 1, 2005
Date

Signed by: Susan M. Decko

Dear Sir:

In accordance with the continuing duty of candor and good faith that is to be demonstrated before the United States Patent and Trademark Office, applicants submit copies of Answers in the civil litigation between the 3M Company and the 3M Innovative Properties Company ("3M") and Moldex-Metric, Inc. and the Louis M. Gerson Co., Inc. In both lawsuits, the defendants, Moldex-Metric, Inc. and the Louis M. Gerson Co., Inc. have filed Answers to the Complaints filed by 3M. In so doing, Moldex has filed counter-claims for a declaratory judgment of noninfringement and invalidity of U.S. Patent RE 37,974 to Bowers and U.S. Patent 6,843,248 to Japuntich et al. Moldex contends that each of these patents are invalid under 35 USC § 102 and 35 USC § 103. Moldex also asserts that both patents are invalid for "containing a specification and claims which do not meet one or more of the requirements of 35 USC § 112, i.e., written description, enablement, best mode, and definiteness."

The Louis M. Gerson Company also asserts that the claims of the '974 patent are invalid under 35 USC § 101, 35 USC § 112, and/or § 251 and under 35 USC §§ 102 and 103.

Please contact applicants' attorney if the Examiner desires more information regarding the defenses raised by each of the defendants.

Respectfully submitted,

April 7, 2005
Date

By:

Karl G. Hanson, Reg. No.: 32,900
Telephone No.: (651) 736-7776

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

Substitute for form 1449A/PTO (modified)		Application Number	09/837714
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Filing Date	April 18, 2001
(Use as many sheets as necessary)		First Named Inventor	Japuntich, Daniel A.
Page 1 of 1		Art Unit	3743
		Examiner Name	Aaron J. Lewis
		Attorney Case Number	48317US032

U.S. Patent Documents

Exam. Init.*	Cite No.	Document Number	Publication Date or Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Doc. Number-(Kind Code if Known)			
	A1	US-			
	A2	US-			
	A3	US-			
	A4	US-			
	A5	US-			
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	A7	US-			
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Foreign Patent Documents

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		Ctry. Code	Number-KindCode (if known)				
	B1						
	B2						
	B3						
	B4						
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	B6						
	B7						

OTHER DOCUMENTS

Exam. Init.*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation (Check if yes)
	C1	Moldex's Answer to Second Amended Complaint and Counterclaims (3M Company and 3M Innovative Properties Company v. Moldex-Metric, Inc., Civil Action No. 03-5292 MJD/JGL, United States District Court for the District of Minnesota)	
	C2	Louis M. Gerson Company, Inc.'s Answer and Counterclaims to Plaintiffs' Amended Complaint (3M Innovative Properties Company and 3M Company v. Louis M. Gerson Co., Inc., Civil No. 05-CV-26 (MJD/JGL), United States District Court for the District of Minnesota)	
	C3		

*Examiner:

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.